

# UNDERCOVER POLICING INQUIRY

In the matter of section 19 (3) of the Inquiries Act 2005.

**Applications for restriction orders in respect of the real and cover names of officers of the Special Operations Squad and the Special Demonstration Squad**

## 'Minded To' Note 4

### Applications

1. The Inquiry has considered applications received in respect of 14 further individual officers. I am minded to make or to refuse to make restriction orders under section 19 (3) of the Inquiries Act 2005 in the cases specified in the table below.

Nominal	Position
HN 3	<i>Further information sought before Minded To decision can be made</i>
HN 12	The real name cannot be published
HN 19	The real name cannot be published
HN 35	<i>Further information sought before Minded To decision can be made</i>
HN 41	Neither the real nor cover name can be published
HN 53	<i>Further information sought before Minded To decision can be made</i>
HN59	No application made
HN60	<i>Further information sought before Minded To decision can be made</i>
HN 71	Neither the real nor cover name can be published
HN 125	Neither the real nor cover name can be published
HN 155	<i>Further information sought before Minded To decision can be made</i>
HN 268	No application made
HN 353	The real name cannot be published
HN 3378	No application made

### Reasons

#### HN 12

2. HN 12 is in his 60s and married. He was deployed into 2 left wing groups, successively, between 1982 and 1985. He was withdrawn when compromised. He was arrested, for a minor offence, in his cover name, prosecuted and fined. He had a fleeting sexual encounter with a female activist. Otherwise, his deployment appears to have been unremarkable and to have given rise to no known allegation of misconduct against him.
3. He and his wife have serious health conditions. He is concerned that an intermittent condition from which he has suffered may be triggered or exacerbated by publication of his real name. He is also concerned about the impact of publication of his real name on his wife. His concerns are not irrational. Publication of his real name is not

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necessary to permit the Inquiry to fulfil its terms of reference. Publication of his cover name, which will occur, will suffice to prompt evidence from those with whom he interacted, if they have any to give. In those circumstances, the interference with the private and family life of HN 12 which would be occasioned by publication of his real name would not be justified under article 8 (2) ECHR.

### *HN 19*

4. HN 19 is in his 60s and married. He was deployed into 2 left wing groups which no longer exist as such, successively, between 1981 and 1985. Apart from one arrest and caution for unlawful bill posting during his deployment, there is no known allegation of misconduct against him. He was newly married when deployed. His deployments were unremarkable. Publication of his real name is not necessary to permit the Inquiry to fulfil its terms of reference. Publication of his cover name will occur. If any of those with whom he interacted wish to give evidence about his deployment, this will provide the necessary prompt. He has no concerns for his physical safety, but is concerned to avoid the intrusion into his and his wife's private and family life which might result from publication of his real name. His concern is understandable. In those circumstances, the interference with the private and family life of HN 19 and his wife which would be occasioned by publication of his real name would not be justified under article 8 (2) ECHR.

### *HN 41*

5. HN 41 is a sexagenarian and is married and retired. HN 41 was deployed against 2 groups in the 1970's and 1980's. The principal target group no longer exists. There is no known allegation of misconduct against HN 41 and, given the nature of the deployment and the personal circumstances of HN 41, it is very unlikely that any plausible allegation of misconduct could be made. For reasons explained in the closed note which accompanies this document there would be a real, but unquantifiable, risk to the personal safety of HN 41 if the real or cover name were to be published. It would be neither necessary nor proportionate to run that risk. Further, a promise of lifetime anonymity was made HN 41. HN 41 was entitled to rely on that promise when undertaking the deployments referred to. In this case, it is a relevant factor.
6. The open evidence which can be provided by HN 41 can be provided under a cypher. If open oral evidence is required from HN 41, protective measures will be required to protect identity. Publication of the real or cover name would interfere with the right to respect for the private life- physical integrity- of HN 41 and would not be justified under article 8 (2) ECHR.

### *HN 71*

7. HN 71 was deployed against 2 groups in the 1990's and 2000's. If the true identity were to be discovered by members of them HN 71 would be at real risk of serious violence by them or their associates. Nothing in the nature of the deployment or in what is known of HN 71's conduct of it could justify running that risk.

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8. There is some risk that if the cover name of HN 71 were to be published, the real name might be discovered. This is not a risk which I am prepared to run. Even if articles 2 and 3 ECHR are not, on the facts, engaged, article 8 is; and the interference with HN 71's right to respect for private and family life which would be occasioned by both the risk and occurrence of violence would not be justified under article 8 (2). Closed reasons accompany this note.

### *HN 125*

9. HN 125 is in his 60s and is retired. He was deployed against one left-wing group in the 1980's. As far as is known, his deployment was unremarkable. There is no known allegation of misconduct against him. He has suffered for at least 35 years from an incurable progressive medical condition. It has recently deteriorated. Expert medical opinion, which I accept, is that the stress of participation in the Inquiry would cause relapse and deterioration in his condition. So too would any public exposure of his role as an undercover officer. Closed reasons accompany this note. They are closed only for reasons of medical confidentiality.

### *HN 353*

10. HN 353 is in his 70s, married and retired. He does not live in the United Kingdom, but has, so far, cooperated with the Inquiry. He was deployed against two left-wing groups between 1974 and 1978. Their names and his cover name will be published. Publication of his cover name will serve to prompt evidence from those whom he encountered while deployed, if they can remember him and have anything to say about his deployment. He does not wish to cause apprehension and worry to his wife and/or to subject both of them to media or other intrusion. His deployments appear to have been unremarkable. There is no known allegation of misconduct against him. In those circumstances, the interference in the right to respect for private and family life of him and his wife which would be occasioned by publication of his real name would not be justified under article 8 (2) ECHR.

### *HN59, HN268 and HN3378*

11. No application has been made for a restriction order in these cases and none will be made.

25 January 2018

**Sir John Mitting**

**Chairman, Undercover Policing Inquiry**